

Message Text

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TO AMEMBASSY KUALA LUMPUR PRIORITY

C O N F I D E N T I A L STATE 096483

FOL REPEAT USUN 1564 ACTION SECSTATE INFO JAKARTA NASSAU
MANILA 14 APR.

QUOTE

C O N F I D E N T I A L USUN 1564

FROM US DEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS - ARCHIPELAGIO ISSUES

1. THERE IS REASON TO BELIEVE INDONESIA AND THE PHILIPPINES
ARE BECOMING TROUBLED BY INABILITY TO MOVE CONFERENCE AND
ITS LEADERSHIP AWAY FROM EXISTING SINGLE NEGOTIATING TEXT
(SNT) ARTICLES. BAHAMAS HAVE CIRCULATED AN ARCHIPELAGIO
POSITION PAPER TO ALL DELEGATIONS WHICH SEEM TO HAVE HAD
MEANINGFUL IMPACT, ESPECIALLY ON COMMITTEE TWO BUREAU,
WHICH SUPPORTS SNT.

2. TEXT OF BAHAMIAN PAPER FOLLOWS: QTE

THE PERMANENT MISSION OF THE COMMONWEALTH OF THE BAHAMAS
PRESENTS ITS COMPLIMENTS TO THE PERMANENT MISSIONS OF OTHER
STATES OF THE SEA, AND HAS THE HONOR TO INVITE ATTENTION TO
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PART II OF PART VII OF THE SINGLE NEGOTIATING TEXT,

-458;)3 117-131 INCLUSIVE OF THE SAID TEXT.

IT IS THE VIEW OF THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS THAT THE PRINCIPLE EXPRESSED IN THESE ARTICLES WHICH ALLOWS FOR THE DRAWING OF ARCHIPELAGIO BASELINES TO DELIMIT THE NATIONAL FRONTIERS OF A POLITICAL, SOCIAL, ECONOMIC, HISTORIC AND GEOGRAPHICAL ENTITY OUGHT BE ENSHRINED IN THE NEW CONVENTION ON THE LAW OF THE SEA.

ACCORDINGLY, THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS HAS THE HONOR TO REQUEST THE ESTEEMED SUPPORT OF THE GOVERNMENTS OF PARTICIPATING STATES IN PRINCIPLE FOR THE CODIFICATION IN THE NEW LAW OF THE SEA TREATY OF PROVISIONS IN THAT TREATY THAT SHALL PERMIT MID-OCEANIC ARCHIPELAGIO STATES TO BE TREATED AS A UNITARY ENTITY.

THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS WISHES TO NOTE THE GUARANTEES FOR INTERNATIONAL NAVIGATION AND OVERFLIGHT CONTAINED IN THESE AND SIMILAR ARTICLES AND TO ASSURE THE GOVERNMENTS OF PARTICIPATING STATES OF ITS CONTINUED SUPPORT FOR SUCH GUARANTEES AS AN INTEGRAL PART OF THE NEW LAW OF THE SEA TREATY.

AS WILL BE RECALLED, THE LEGITIMATE CONCERNS OF MID-OCEANIC ARCHIPELAGIO STATES HAVE SO FAR BEEN LEFT IN THE REALM OF UNCERTAINTY BY PREVIOUS CONFERENCES ON THE LAW OF THE SEA. IT IS THE FIRM CONVICTION OF THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS THAT THIS OMISSION IN THE EXISTING TEXTS OF TREATY LAW ON THE LAW OF THE SEA SHOULD BE CORRECTED BY THIS CONFERENCE.

WITHIN THE CONTEXT OF THE CONSENSUS FORMULA ADOPTED FOR COMMITTEE PROCEDURE WHICH WOULD CONNOTE APPROVAL OF THE PROVISIONS OF THE SINGLE NEGOTIATING TEXT PART II AS ENUMERATED AT PART VII ARTICLES 117-131 INCLUSIVE, THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS HAS THE FURTHER HONOR TO REQUEST THE ESTEEMED SUPPORT OF THE GOVERNMENTS OF PARTICIPATING STATES FOR THE PRINCIPLES EXPRESSED IN SAID ARTICLES, SUBJECT ONLY TO ANY AMENDMENTS WHICH DO NOT ALTER THE SUBSTANCE OF SAID ARTICLES
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OR AMENDMENTS WHICH MAY BE CONSEQUENTIAL ONLY AS A RESULT OF AMENDMENTS WHICH MAY BE MADE IN OTHER PARTS OF THE PROPOSED TREATY. IN PARTICULAR THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS SEEKS THE CONCURRENCE OF THE GOVERNMENTS OF PARTICIPATING STATES WITH THE FORMULA FOR THE DRAWING OF ARCHIPELAGIO BASELINES AS OUTLINED IN ARTICLE 118 AND SUB PARAGRAPHS OF THIS ARTICLE.

THE PERMANENT MISSION OF THE COMMONWEALTH OF THE
BAHAMAS TAKES THIS OPPORTUNITY TO RENEW TO THE PERMANENT
MISSIONS OF OTHER STATES PARTICIPATING IN THE THIRD UNITED
NATIONS CONFERENCE ON THE LAW OF THE SEA, THE ASSURANCES
OF ITS HIGHEST CONSIDERATION. UNQTE

3. RESPONSE OF ARCHIPELAGIO GROUP HAS BEEN TO TRY AND FOLD
BAHAMAS INTO THEIR GROUP, THIS INCONTRAST TO THEIR POSI-
TION UP TO NOW THAT BAHAMAS HERE NOT WELCOME. INDONESIANS
APPROACHED GEORGE STEWART OF BAHAMAS LAST WEEK, SGGESTING
HE JOIN THEM FOR DISCUSSIONS ON HOW TO ALTER TEXT.
STEWART STATED HE HAD NO INSTRUCTIONS TO JOIN AND THAT
BAHAMAS FELT EXISTING TEXT WAS A BALANCED ONE, AS EVIDENCED
BY THEIR CIRCULATED PAPER. PRIVATELY, STEWART HAS INDICATED
TO US DEL THAT THEY PREFER TO STAY OUTSIDE THE INDONESIAN
GROUP IN ORDER TO KEEP FREEDOM OF ACTION TO ACHIEVE AN
ACCEPTABLE ARCHIPELAGIO SECTION. THEY MAY, HOWEVER,
COMMENCE SITTING IN ON SOME MEETINGS.

4. RM SEEMS APPARENT THAT ARCHIPELAGIC STATES CONTINUE TO BE
SPLIT ON PASSAGE ARTICLES WITH PHILIPPINES REMAINING AT THE
FAR EXTREME. WE HAVE ASKED FOR A MEETING WITH PHILIPPINES
TO DISCUSS MUTUAL CONCERNS AND WILL REPORT RESULTS BY
SEPTTEL. SCRANTON

UNQUOTE KISSINGER

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